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Attorney for Debtor,  
Fite, LLC

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON**

In Re: ) Case No. 18-30038-tmb-11  
Fite, LLC )  
Debtors. ) CHAPTER 11  
 ) MOTION TO REOPEN CASE  
 ) (No Hearing Scheduled)

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- 16 1. The debtor moves the court for an order reopening the above-captioned case.
- 17 2. Pursuant to 11 U.S.C. § 350(b), Debtor Fite, LLC, (hereafter "Debtor"),  
18 respectfully moves the Court to reopen this case to accord relief to the  
19 Debtor, namely to file motions to disgorge fees, to vacate the  
20 judgment/order of dismissal, and for the Court to rule on such motions.
- 21 3. The following grounds exist under F.R.B.P. 9024 for entry of an order  
22 reopening and an order vacating the dismissal:
  - 23 a. mistake, inadvertence, surprise, or excusable neglect; and
  - 24 b. newly discovered evidence that, with reasonable diligence, could  
not have been discovered in time to move for a new trial.

## 1 - MOTION TO REOPEN CASE

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1           4. The Debtor offers evidence to support a finding that grounds exist as  
2           indicated above as follows:

3           Debtor believes that the Court should grant an Order  
4           compelling Debtor's attorneys to disgorge the entirety of the  
5           fees paid to attorneys by Debtor and that the prior Order of  
6           Dismissal should be vacated by the Court based on numerous  
7           and serious actions by Debtor's prior counsel. Debtor  
8           believes that prior counsel did little to assist Debtor in any  
9           meaningful way during the course of its CH 11 case, failed in  
10          their duty to disclose to the Court, and breached their  
11          fiduciary duty to the Debtor.

12          Debtor wishes to file a Motion to Disgorge Fees as Debtor  
13          believes that its attorneys, Camacho and Knutson did not earn  
14          the \$30,000.00 that Debtor was charged for, and paid, in  
15          attorney fees. These actions include the attorneys' failure to  
16          disclose necessary information to the Court per  
17          Fed.R.Bankr.P. 2014(a). Debtor maintains that its attorneys  
18          did not notify Debtor of the true nature of their relationship  
19          to the US Trustee. Debtor avers that its CH 11 case was  
20          fundamentally and fatally flawed from the outset by conflicts  
21          between Debtor and its attorneys. These conflicts were not  
22          revealed to Debtor by its counsel in a timely manner. Debtor  
23          avers that its attorneys did not provide Debtor with timely or  
24          adequate counsel, filed the CH 11 petition without Debtor's  
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1 approval; filed the petition, schedules, and statements  
2 without Debtor's prior review; filed the petition, schedules,  
3 and statements without Debtor's signatures; and failed to  
4 respond to the Court's and the US Trustee's demands for  
5 information and documents.

6 Debtor asserts that its attorneys violated Fed.R.Bankr.P.  
7 2016(b) by failing to disclose to the Court the entire amount  
8 paid to the attorneys by Debtor and the attorneys filed  
9 incomplete and incorrect schedules and statements with the  
10 Court.

11 Debtor will file a motion to vacate the Court's Order of  
12 Dismissal based on these failures by its attorneys, the  
13 attorneys' violation of their duties to disclose, and their  
14 breach of their fiduciary duty to the Debtor.

15 5. The Court entered an order closing the case on 05/23/2018.  
16 6. I declare under penalty of perjury that the information contained above  
17 is true and correct to the best of my knowledge, information, and belief.

18 DATED: June 19, 2018

19 /s/ Tracey Baron  
20 Signature of authorized representative for Debtor

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26 3 - MOTION TO REOPEN CASE

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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing:

**MOTION TO REOPEN CASE** will be served via ECF email by the Court on the following party'(s) or attorney'(s) registered email address on 06/19/2018:  
US Trustee, Portland  
[JCTPREGION18.PL\\_ECF@usdoj.gov](mailto:JCTPREGION18.PL_ECF@usdoj.gov)

And I further certify I certify that I served the foregoing Motion to Reopen

Case on the following named person(s) on the date indicated below by mailing on June 19, 2018, to said person(s) a true copy thereof, contained in a sealed envelope, addressed to said person(s) at their last known address indicated below:

Fite, LLC  
1701 SE Oak Shore Lane  
Portland, OR 97267

Respectfully submitted,

/s/ Troy D. Nixon  
Troy D. Nixon, OSB No. 074453  
Attorney for Debtor

## 4 - MOTION TO REOPEN CASE

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